

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOSEPH A. SUNDERMEYER,
Petitioner,

v.

Case No. 14-C-0843

MARC CLEMENTS, Warden,
New Lisbon Correctional Institution,
Respondent.

ORDER

On September 10, 2014, I stayed this habeas case, in accordance with *Rhines v. Weber*, 544 U.S. 269 (2005), so that the petitioner could exhaust his state-court remedies. On February 16, 2016, the petitioner informed the court that he believes he has exhausted such remedies and that he is ready to proceed with his federal petition. I have previously reviewed the petition under Rule 4 of the Rules Governing § 2254 Cases and determined that this case may proceed. Therefore, I will direct the respondent to file a response to the petition.

THEREFORE, IT IS ORDERED that within 60 days of the date of this order respondent either answer the petition, complying with Rule 5 of the Rules Governing § 2254 Cases, or file a dispositive motion.

IT IS FURTHER ORDERED that the parties shall abide by the following schedule regarding the filing of briefs on the merits of petitioner's claims: (1) petitioner shall have 45 days following the filing of respondent's answer within which to file his brief in support of his petition; (2) respondent shall have 45 days following the filing of petitioner's initial brief within which to file a brief in opposition; and (3) petitioner shall

have 30 days following the filing of respondent's opposition brief within which to file a reply brief, if any.

In the event that respondent files a dispositive motion and supporting brief in lieu of an answer, this briefing schedule will be suspended and the briefing schedule will be as follows: (1) petitioner shall have 45 days following the filing of respondent's dispositive motion and supporting initial brief within which to file a brief in opposition; and (2) respondent shall have 30 days following the filing of petitioner's opposition brief within which to file a reply brief, if any.

Pursuant to Civil L.R. 7(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by respondent must not exceed 30 pages and reply briefs must not exceed 15 pages, not counting any statements of facts, exhibits, and affidavits.

Petitioner is advised that he must send copies of all future filings with the court to counsel for respondent, no matter whether in letter, brief, memorandum, or other form.

Dated at Milwaukee, Wisconsin, this 1st day of March, 2016.

s/ Lynn Adelman

LYNN ADELMAN
District Judge